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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,752	08/07/2006	Horst Greiner	DE040041	5798
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EXAMINER				
GRAMLING, SEAN P				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/597,752

Applicant(s)

GREINER, HORST

Examiner

SEAN P. GRAMLING

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Amendment

Acknowledgment is made of Amendment filed March 6, 2009. Claims 1-8 are amended. Claims 1-10 are pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-10** are rejected under 35 U.S.C. 102 (b) as being anticipated by

Kawano et al (US 6,404,131).

3. Regarding claim 1, Kawano discloses a luminous body comprising a housing 16 with a light emission surface 11a and a plurality of light sources 2 arranged in the housing wherein the housing comprises at least a first optical medium 11 with a first optical scattering power into which medium the light of the light sources is coupled and a plurality of second optical medium elements 12 (please refer to Figure 7, Examiner designates one optical medium element 12 above EACH light source 2 as the "plurality of second optical medium elements") with a second optical scattering power disposed in the housing wherein each of the second optical medium elements is disposed over a respective one of the light sources and the light propagating in each of the second optical medium elements 12 is at least substantially coupled thereinto from the first

optical medium and wherein the scattering power of at least one of the media is selected to influence the flow of light in the housing such that a predefinable brightness distribution of the light over the light emission surface is achieved (see Figures 5 and 7, and column 5, line 27 through column 6, line 45).

4. Regarding claim 2, the luminous body includes at least one layer 10 by means of which the second optical medium 12 is screened off at least substantially against a direct incidence of the light originating from a light source (see Figures 2 and 5, and column 6, line 23-30).

5. Regarding claim 3, the layer 10 is a layer that reflects on both sides (see Figure 2 and column 4, line 35 through column 5, line 28).

6. Regarding claim 4, the second optical medium 12 is introduced into a region between the at least one light source 2 and the light emission surface 11a (see Figure 5).

7. Regarding claim 5, the first optical medium 11 is an optical waveguide plate and the light sources are arranged in at least one cavity 13 of the optical waveguide plate (see Figures 4 and 5, and column 5, lines 35-65).

8. Regarding claim 6, the scattering power of the second optical medium 12 is such that it compensates at least substantially for the reduction in the flow of the light at least one of the cavities 13 provided in the first optical medium (see column 6, lines 38-45).

9. Regarding claim 7, the second optical medium 12 is introduced into at least one region between at least one cavity 13 and the light emission surface 11a (see Figure 5).

10. Regarding claim 8, the second optical medium 12 comprises light-scattering particles (see Figure 5 and column 5, lines 44-50).

11. Regarding claim 9, the light-scattering particles 12 are globules with an optical refractive index different from that of the surrounding material (see column 5, lines 47-50).

12. Regarding claim 10, this limitation relates to formation of the light-scattering particles, and it has been held that the method of forming the device is not germane to the issue of patentability of the device itself. Accordingly, this limitation is given no patentable weight.

Response to Arguments

13. Applicant's arguments filed March 6, 2009 have been fully considered but they are not persuasive. Regarding claim 1, Examiner respectfully disagrees with Applicant's submission that Kawano does not teach "a plurality of second optical medium elements with a second optical power disposed in the housing wherein each of the second optical medium elements is disposed over a respective one of the light sources". Examiner respectfully directs to Figures 5 and 7 of Kawano and to the designations of elements set forth in the rejection above. Accordingly, the rejection of claim 1 under 35 U.S.C. 102 (b) as being anticipated by Kawano is maintained. Regarding claims 2-10, Applicant's arguments are directed solely to their dependency on claim 1, which claim Examiner finds anticipated by Kawano as set forth above. Accordingly, the rejections of claims 2-10 under 35 U.S.C. 102 (b) as being anticipated by Kawano are maintained.

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SEAN P. GRAMLING whose telephone number is (571)272-9082. The examiner can normally be reached on MONDAY-FRIDAY 7:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sean P Gramling
Examiner
Art Unit 2875

/SPG/
/Sharon E. Payne/
Primary Examiner, Art Unit 2875